

12.07.2023
Court No.19
Item no.51
CP

C.O. No. 2694 of 2022

M/s. Shah Trader's represented by the sole
proprietor Sk. Mirajul Islam

Vs.

Sk. Mazed

Ms. Santi Das

...for the petitioner.

Mr. Rabindranath Mahata
Mr. Aritra Shankar Ray

....for the opposite party.

The revisional application has been filed challenging an order dated June 23, 2022, passed by the learned Civil Judge (Junior Division), 3rd Court, Paschim Medinipur in O.S. No. 113 of 2018.

The order impugned is an order by which the defence of the defendant/tenant was struck out in terms of Section 7(3) of the West Bengal Premises Tenancy Act, 1997 (hereinafter referred to as 'the said Act').

Ms. Das, learned advocate for the petitioner, submits that the learned court below did not accept the fact that the rents had been deposited, although belatedly.

The learned court found that as the tenant failed to comply with the provisions of Sections 7(1) and 7(2) of the said Act and the applications have been filed beyond the period of limitation prescribed

by law, the defence was liable to be struck out. In the meantime, the suit proceeded and has been decreed on June 30, 2023.

Thus, the revisional application, in my view, has become infructuous as the suit was decreed on merits.

The petitioner has an avenue to challenge the said decree and also raise the points which have been raised in this revisional application, if permissible in law.

The revisional application is accordingly disposed of. No observation has been made on the merits of the claim of the petitioner.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)